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Panel Accused of Rushing New Intelligence Charter

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The Senate Intelligence Committee was accused yesterday of rushing ahead with a proposed charter for the CIA that could legitimize the abuses it was ostensibly designed to correct.

Assailing the bill as misleading legislation full of phantom restrictions, the American Civil Liberties Union protested that it provides broad authority to spy on Americans at home and abroad who are engaging in lawful political activity.

ACLU spokesman Jerry Berman lodged the complaints as a daylong parade of witnesses voiced dissatisfaction with the measure. He was followed by spokesmen for the Association of Former Intelligence Officers who charged that the bill is too restrictive.

The committee is seeking to get the bill, which would govern all U. S. intelligence activities, including those of the FBI, to the Senate floor by mid-April.

The ACLU complained that as a result, the Carter administration has yet to be required to explain "why it supports and needs the permissive standards for investigating Americans" it has drafted over the past three years in conjunction with the Senate panel. Administration witnesses, led by CIA Director Stansfield Turner, have focused on their complaints primarily on the extent of congressional oversight.

Berman said the bill requires a constant reading "between the lines," especially in connection with provisions allowing intrusive surveillance of Americans because they "may be" engaged in clandestine intelligence activity on behalf of a foreign power or even simply because they may have information that the government deems important.

The ACLU lawyer said "clandestine intelligence activity" is not defined in the bill. But he noted President Carter's executive order spells it out broadly, including any activity "for the purpose of affecting political or governmental processes by or on behalf of a foreign power," including friendly powers.

Berman said this would permit, for

example, these hypothetical investigations:

- "The targeting of a black political leader who meets secretly with leaders of parties in several African states and then engages in intense lobbying to impose trade restrictions on countries practicing apartheid.

- "The targeting of a member of the American Jewish Committee who traveled to Israel and then returned to lobby Congress on the Middle East situation and is suspected of following instructions of the government of Israel."

AFIO President John F. Blake, a former CIA official, also criticized, albeit for different reasons, provisions that would enable the CIA to carry out wiretaps and burglaries abroad against Americans who may have information the government wants. The bill would require judicial warrants by a special U.S. court to conduct such spy work.

"The laws of most countries prohibit electronic surveillance and physical search under penalty of criminal sanctions, and here we have the most startling proposal — that the Congress convey authority upon our judiciary to approve acts by the executive in violation of those foreign criminal laws," Blake testified.

"I am sure many countries of the world would consider this the supreme arrogance," Blake told the committee.

The AFIO spokesman said some critics of the bill have said it would "unleash" the CIA, but Blake contended that its statutory restrictions and prohibitions would "shackle our intelligence effort—not 'unleash' it."

At one point during the hearing, Sen. Joseph Biden (D-Del.) told the ACLU witnesses that he agreed with most of what they said, but he warned that "the momentum is moving the other way" in favor of a stronger hand for the CIA.

"Let me tell you something, fellas," Biden declared. "The folks don't care. The average American could care less right now about any of this. You keep talking about public concern. There ain't none."